

UNITED STATES DISTRICT COURT
District of Minnesota

CR 17-116 PJS/LIB

UNITED STATES OF AMERICA,

INDICTMENT

Plaintiff,

18 U.S.C. § 2251(a)

18 U.S.C. § 2251(e)

v.

18 U.S.C. § 2252(a)(4)(B)

18 U.S.C. § 2252(b)(2)

KEVIN JAMES PETROSKE,

18 U.S.C. § 2253(b)

21 U.S.C. § 853(p)

Defendant.

THE UNITED STATES GRAND JURY CHARGES THAT:

COUNTS 1-8

(Production and Attempted Production of Child Pornography)

On or about the dates set forth below, in the State and District of Minnesota, the defendant,

KEVIN JAMES PETROSKE,

did employ and use and attempt to employ and use known minors to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, which visual depiction was produced and attempted to be produced using materials, including a Nokia Lumia 635 cellular telephone, model RM-975, that had been mailed, shipped, and transported in interstate and foreign commerce, to wit:

COUNT	DATE	COMPUTER FILE NAME	DESCRIPTION OF COMPUTER FILE
1	10/18/2011	f118662240.mp4	A surreptitiously recorded video, one minute and forty-five seconds in duration, that depicts the exposed breasts and genitalia of a fourteen-year-old nude female after removing a towel, while the defendant can be heard

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			saying, "Pussy," and, "Here it comes, baby, oh my god."
2	12/16/2011	f222884672.mp4	A surreptitiously recorded video, one minute and thirteen seconds in duration, that depicts the exposed breasts and genitalia of a fourteen-year-old female undressing, while the defendant can be heard saying, "Nice pussy."
3	12/16/2011	f222940264.mp4	A surreptitiously recorded video, two minutes and thirty-seven seconds in duration, that depicts the exposed breasts of a nude fourteen-year-old female exiting the shower, while the defendant can be heard saying, "Oh baby, here it comes."
4	07/15/2015	WP_20150714_23_50_52_Pro.mp4	A surreptitiously recorded video, fifty-two seconds in duration, that depicts the exposed breasts and genitalia of a sixteen-year-old female showering, while the defendant can be heard saying, "Oh, god," and, "Got to be kidding me."
5	07/16/2015	WP_20150716_001.mp4	A surreptitiously recorded video, one minute and twenty-nine seconds in duration, that depicts the exposed buttocks and breasts of a nude fourteen-year-old female putting on her underwear.
6	07/29/2015	WP_20150729_002.mp4	A surreptitiously recorded video, seventeen seconds in duration, that depicts the exposed buttocks of a fourteen-year-old female putting on her underwear, while the defendant can be heard saying, "Can't see it yet."
7	09/08/2015	WP_20150908_002.mp4	A surreptitiously recorded video, thirteen seconds in duration, that depicts a fourteen-year-old female putting on her underwear, with brief exposure of her genitalia.
8	09/30/2015	WP_20150929_006.mp4	A surreptitiously recorded video, two minutes and nine seconds in duration, that depicts the exposed breasts and buttocks of a nude fourteen-year-old female drying herself with a towel.

all in violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

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COUNT 9

(Possession of Child Pornography)

On or about October 23, 2015, in the State and District of Minnesota, the defendant,

KEVIN JAMES PETROSKE,

did knowingly possess one or more matters which contained visual depictions that had been shipped and transported using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, by any means including computer, where the production of such visual depictions involved the use of a minor engaging in sexually explicit conduct and such visual depictions were of such conduct, including, but not limited to, the following image files:

- a) f118662240.mp4, a surreptitiously recorded video, one minute and forty-five seconds in duration, that depicts the exposed breasts and genitalia of a fourteen-year-old nude female after removing a towel, while the defendant can be heard saying, "Pussy," and, "Here it comes, baby, oh my god";
- b) WP_20150714_23_50_52_Pro.mp4, a surreptitiously recorded video, fifty-two seconds in duration, that depicts the exposed breasts and genitalia of a sixteen-year-old female showering, while the defendant can be heard saying, "Oh, god," and, "Got to be kidding me";
- c) 52b31c2c9144f.jpg, an image that depicts a nude, minor female standing in a shower with ejaculation on her face; and
- d) hh8h76h.jpg, an image that depicts a nude female approximately thirteen or fourteen years of age, lying on a bed with her legs spread open, exposing her genitalia.

all in violation of Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2).

FORFEITURE ALLEGATIONS

Counts 1-9 of this Indictment are hereby realleged and incorporated as if fully set forth herein by reference, for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 2253(a).

Upon conviction of the foregoing offenses, the defendant shall forfeit to the United States pursuant to Title 18, United States Code, Section 2253(a):

(1) any visual depiction described in section 2251, 2251A, 2252, 2252A, 2252B, or 2260 of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Chapter 110, United States Code;

(2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offenses; and

(3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offenses or any property traceable to such property, including the following property: one Dell Inspiron 15 laptop computer, serial number 281Y832; and one Nokia Lumia 635 cellular telephone, Model RM-975, IMEI number 358611054112651.

If any of the above-described forfeitable property is unavailable for forfeiture, the United States intends to seek the forfeiture of substitute property as provided for in Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b).

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A TRUE BILL

ACTING UNITED STATES ATTORNEY

FOREPERSON